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16 Attorneys for Plaintiff Robert Acheson

17 UNITED STATES DISTRICT COURT  
18  
19 NORTHERN DISTRICT OF CALIFORNIA

20 ROBERT ACHESON, individually, and on  
21 behalf of other members of the general public  
22 similarly situated,

23 Plaintiff,

24 v.

25 G.A.L.A., INC., a Delaware corporation;  
GIORGIO ARMANI CORPORATION, a New  
York corporation; PRESIDIO  
26 INTERNATIONAL, INC., a Delaware  
Corporation; and DOES 1 through 10, inclusive,

27 Defendants.  
28

Case No. 4:08-CV-03336 RMW

**STIPULATION REMANDING  
ACTION TO STATE COURT**

Removal Filed: July 10, 2008  
Judge: Ronald M. Whyte

1 On November 21, 2007, Plaintiff Robert Acheson ("Plaintiff") filed this class action in the  
2 Superior Court for the County of Santa Clara ("State Court") against Defendant Presidio  
3 International, Inc. ("Defendant") alleging various violations of wage and hour laws. Plaintiff and  
4 Defendant (collectively referred to as the "Parties") attended two case management conferences  
5 while this matter was pending in State Court. The Parties also engaged in formal and informal  
6 discovery while the matter was pending in that forum. Additionally, the State Court conducted  
7 two hearings on a motion to compel further responses to discovery in this matter. The discovery  
8 issues were not completely resolved because on July 10, 2008 Defendant filed a Notice of  
9 Removal ("Removal") of this action to the United States District Court for the Northern District  
10 of California ("District Court") based on the Class Action Fairness Act ("CAFA").

11 CAFA vests the district courts with original jurisdiction of any civil class action in which  
12 there is minimal diversity between the parties and the matter in controversy exceeds the  
13 aggregated sum or value of \$5,000,000, exclusive of interest and costs. 28 U.S.C. §1332(d)(2);  
14 28 U.S.C. § 1453(b). In this matter, it is undisputed that there is minimal diversity between the  
15 Parties. After Plaintiff filed a First Amended Complaint, which is addressed herein, Defendant  
16 had reason to believe the matter in controversy could exceed \$5,000,000.00.

17 On June 30, 2008, Plaintiff filed a First Amended Complaint which included two  
18 additional causes of action: one for an alleged failure to properly provide meal periods in  
19 violation of California Labor Code section 226.7(a) and Labor Code section 512(a) and another  
20 for failure to properly compensate plaintiff for payment for split shifts in violation of California  
21 Code of Regulations section 11070(4)(C). Plaintiff also sought penalties pursuant to the Private  
22 Attorneys General Act ("PAGA") in the First Amended Complaint. The addition of the new  
23 claims, including a claim for violations of laws related to the provision of meal periods, caused  
24 Defendant to believe damages in this matter could exceed \$5,000,000.00. Therefore, on July 10,  
25 2008, Defendant filed the Removal in this action based upon an expert analysis which revealed  
26 that damages in this action could potentially exceed \$5,000,000.00.

27 Upon further investigation and discovery, the Parties have concluded the potential  
28 damages in this case are below \$5,000,000.00.

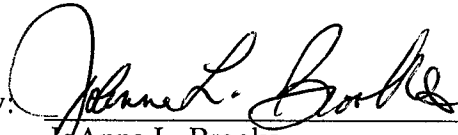
1 The Parties' belief that the amount in controversy in this case is below \$5,000,000.00 is  
 2 evidenced by the settlement of this action. On August 14, 2008, shortly after this case was  
 3 removed to the District Court, the Parties engaged in mediation with Mark Rudy, Esq., and agreed  
 4 to settle the matter for an amount less than \$5,000,000.00.

5 This Court has not yet had occasion to become familiar with this matter and the State  
 6 Court has already addressed both procedural and substantive issues in this case. Therefore, in the  
 7 interest of conserving judicial resources and since the matter in controversy does not meet federal  
 8 jurisdictional requirements, the Parties respectfully request this matter be remanded to State  
 9 Court.

10  
 11 **IT IS SO STIPULATED.**

12  
 13 Dated: November 7, 2008

JACKSON LEWIS LLP

14  
 15 By:   
 16 Anna L. Brooks  
 17 Timothy C. Travelstead  
 18 Punam Sarad  
 Attorneys for Defendant  
 PRESIDIO INTERNATIONAL, INC.

19 Dated: November \_\_, 2008

INITIATIVE LEGAL GROUP, LLP

20  
 21  
 22 By: \_\_\_\_\_

Marc Primo  
 Mónica Balderrama  
 Shawn Westrick  
 Attorneys for Plaintiff  
 ROBERT ACHESON

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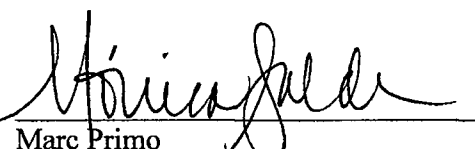
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